

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 97-28

Introduced by Council President Parrott at the request of the County Executive

Legislative Session Day No. 97-9

Date: March 18, 1997

AN ORDINANCE to authorize and empower Harford County, Maryland to borrow, on its full faith and credit, and issue and sell its bond or other form of indebtedness therefor, in an amount not to exceed Eight Hundred Ten Thousand Dollars (\$810,000) principal amount, from the Maryland Industrial and Commercial Redevelopment Fund ("MICRF") pursuant to the provisions of Article 83A, Sections 5-801 through 5-807 of the Annotated Code of Maryland, 1995 Replacement Volume, 1996 Supplement (the "MICRF Act"), the proceeds thereof to be loaned to Alcore, Inc., a Delaware corporation, and used by Alcore, Inc. for (a) the purchase of two adjacent parcels of land containing approximately 7.26 acres in the aggregate in the Riverside Business Park at 1324 and 1326 Brass Mill Road in Belcamp, Harford County,

By the Council, March 18, 1997

Introduced, read first time, ordered posted and public hearing scheduled

on: April 15, 1997

at: 7:30 P.m.

By Order: James D. Vanna, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on April 15, 1997, and concluded on April 15, 1997.

James D. Vanna, Acting Council Administrator

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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Maryland, and any and all improvements thereon including, without limitation, a building containing approximately 50,000 square feet, (b) the renovation and expansion of such building to add approximately 20,000 square feet, (c) the acquisition and installation of certain necessary and useful machinery and equipment and (d) the acquisition of such other interests in land or improvements as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, all of which shall be used by Alcore, Inc. as a manufacturing facility in its business of making honeycomb aluminum products (the "Project"), which is a portion of a project plan as described in Section 5-804 of the MICRF Act, in accordance with Section 524 of the Charter of Harford County ("Charter") or as otherwise permitted by law; fixing the interest rate on the loan from MICRF to Harford County, Maryland;

By the Council, _____

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Acting Council Administrator

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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fixing the interest rate on the loan from Harford County, Maryland to Alcore, Inc.; providing for the security to the County for the loan to Alcore, Inc.; determining the maturity of the loan to Alcore, Inc.; authorizing the County Executive of Harford County, Maryland by Executive Order, to determine the manner by which the loan to Alcore, Inc. may be secured, and generally for such other matters as may be deemed appropriate, including, without limitation, the form of various documents as are necessary to implement the financing authorized herein, the manner of issuance and delivery of any evidences of indebtedness, the payment of all necessary expenses in connection therewith, the method by which such evidences of indebtedness shall be sold, maturity schedule, redemption provisions, authorizing

By the Council, _____

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Acting Council Administrator

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

**COUNTY COUNCIL
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BILL NO. 97-28

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the appointment of certain agents; and otherwise generally relating to the issuance, sale, delivery and payment of any such evidences of indebtedness or financing obligations; providing that such indebtedness shall be issued upon the full faith and credit of Harford County, Maryland; providing for disbursement of the proceeds of the sale of evidences of indebtedness and for the levying of charges, assessments and all taxes necessary to provide payment of the principal of and interest thereon; providing that certain additional matters may be determined by executive order of the County Executive of the County.

By the Council, _____

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Acting Council Administrator

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 WHEREAS, in accordance with the provisions of the MICRF Act, the Secretary of Business
2 and Economic Development of the State of Maryland is authorized to approve loans from MICRF
3 for certain eligible Project costs as defined in Section 5-801(c)(2) of the MICRF Act; and

4 WHEREAS, in accordance with Section 5-804 of the MICRF Act, the County Executive of
5 Harford County, Maryland has endorsed the Project plan; and

6 WHEREAS, the County Council of Harford County, Maryland has the authority to incur
7 debts on behalf of the County; and

8 WHEREAS, the County Council of Harford County, Maryland is hereby authorized to enact
9 an Ordinance adopted in accordance with Section 524 of the Charter of Harford County, Maryland
10 and other applicable provisions of law providing for the issuance and sale of indebtedness under this
11 Ordinance; and levy annually *ad valorem* taxes upon the assessable property within Harford County,
12 Maryland sufficient, together with other taxes and other available funds, to provide for the payment
13 of interest on and principal of any indebtedness so issued; and

14 WHEREAS, the loan authorized to be made by Harford County, Maryland to Alcore, Inc.
15 shall be payable primarily from funds received and other security provided by Alcore, Inc.; however,
16 to the extent that the funds or assets of Alcore, Inc. are insufficient in any year to pay the principal
17 of or interest on the indebtedness incurred, Harford County, Maryland shall levy annually *ad valorem*
18 taxes to pay the principal and interest on such indebtedness; and

19 WHEREAS, the loan to be made by MICRF to Harford County, Maryland shall be upon the
20 full faith and credit and subject to the unlimited taxing power of Harford County, Maryland.

21 NOW, THEREFORE, in accordance with the provisions of the Charter and the Laws of the
22 State of Maryland:

1 SECTION 1. Be it enacted by the County Council of Harford County, Maryland that, acting
2 pursuant to the authority of the Charter, the MICRF Act and the laws of the State of Maryland,
3 Harford County, Maryland (the "County") hereby authorizes and approves the incurring of debt with
4 the Department of Business and Economic Development of the State of Maryland pursuant to the
5 MICRF Act to provide funds to be loaned by Harford County, Maryland to Alcore, Inc. to finance
6 a portion of the costs of the Project, including:

7 (a) the purchase of two adjacent parcels of land containing approximately 7.26
8 acres in the aggregate in the Riverside Business Park at 1324 and 1326 Brass Mill Road in Belcamp,
9 Harford County, Maryland, and any and all improvements thereon including, without limitation, a
10 building containing approximately 50,000 square feet,

11 (b) the renovation and expansion of such building and to add approximately
12 20,000 square feet,

13 (c) the acquisition and installation of certain necessary and useful machinery and
14 equipment, and

15 (d) the acquisition of such other interests in land or improvements as may be
16 necessary or suitable for the foregoing, including roads and rights of access, utilities and other
17 necessary site preparation facilities, all of which shall be used by Alcore, Inc. as a manufacturing
18 facility in its business of making honeycomb aluminum products.

19 The principal amount of indebtedness to be incurred hereunder shall not exceed Eight Hundred Ten
20 Thousand Dollars (\$810,000.00).

21 SECTION 2. And be it enacted by the County Council of Harford County, Maryland that
22 the loan to Alcore, Inc. shall be secured by a second lien security interest on the real property and

1 improvements at 1324 and 1326 Brass Mill Road, and such other security as may be deemed
2 appropriate by the County Executive by Executive Order.

3 SECTION 3. And be it enacted by the County Council of Harford County, Maryland that the
4 County Executive of Harford County, Maryland shall determine by Executive Order the principal
5 amount of such indebtedness, not to exceed Eight Hundred Ten Thousand Dollars (\$810,000.00),
6 the security for the loan to Alcore, Inc., the maturity schedule of such loan and other matters deemed
7 necessary or appropriate in connection with the loan to Alcore, Inc.

8 SECTION 4. And be it enacted by the County Council of Harford County, Maryland that
9 authority is hereby conferred respectively on the County Executive of the County, the Director of
10 Administration, the Treasurer, the County Attorney, the Acting Council Administrator of the County
11 Council of Harford County, Maryland, or any of them, and they are hereby directed to take the
12 following actions on behalf of the County:

13 (a) to execute, acknowledge, seal and deliver the documents reflecting the loan
14 by the Department of Business and Economic Development of the State of Maryland to Harford
15 County, Maryland; and documents reflecting the loan by Harford County, Maryland to Alcore, Inc.;
16 and

17 (b) to execute, acknowledge, seal and deliver such other and further certificates,
18 certifications, agreements, documents and instruments and take such other action as they or any one
19 or more of them may deem necessary or appropriate to consummate the transactions contemplated
20 by this Ordinance in accordance with the terms and provisions hereof and of any administrative
21 Resolution adopted by the County Council of Harford County, Maryland or Executive Order adopted
22 by the County Executive of Harford County, Maryland in furtherance of this Ordinance.

1 SECTION 5. And be it enacted by the County Council of Harford County, Maryland that the
2 County Executive is hereby authorized and empowered for and on behalf of the County (a) to cause
3 the preparation, printing, execution and delivery of all documents in connection with the loan from
4 the Department of Business and Economic Development to the County and the loan from the County
5 to Alcore, Inc., in the form provided in the Resolution of the County Council of Harford County,
6 Maryland, or Executive Order of the County Executive with such modifications, supplements or
7 amendments thereto as may be recommended by counsel; and (b) to do all such things as may be
8 necessary or desirable in the opinion of the County Executive in connection therewith.

9 SECTION 6. And be it enacted by the County Council of Harford County, Maryland that the
10 indebtedness authorized to be incurred by the County and the loan to be made to Alcore, Inc. shall
11 each have a maturity not in excess of ten (10) years from the date of issuance, the maturity to be
12 determined by Executive Order of the County Executive of Harford County, Maryland.

13 SECTION 7. And be it enacted by the County Council of Harford County, Maryland that the
14 the loan from MICRF to Harford County, Maryland shall bear interest at the rate of 5.1% on the
15 unpaid balance and the loan from Harford County, Maryland to Alcore, Inc. shall bear interest at the
16 rate of 5.1% on the unpaid balance.


17 SECTION 8. And be it enacted by the County Council of Harford County, Maryland that the
18 proceeds of the loan from MICRF shall be paid to the Department of the Treasury of Harford County,
19 Maryland and deposited into a special account of the County. The proceeds of the loan from MICRF
20 shall be expended only to finance the Project. In the event, the funds derived from the MICRF loan
21 shall exceed the amount needed to finance the project, the excess funds so borrowed and not

1 expended by the County shall be applied by the County in Payment of the next principal maturity of
2 such indebtedness.

3 SECTION 9. And be it enacted by the County Council of Harford County, Maryland that to
4 the extent the payments and other funds received from Alcore, Inc. are insufficient to pay the
5 principal of, premium, if any, and interest on the indebtedness represented by the MICRF loan to
6 Harford County, Maryland, there is hereby levied and there shall hereafter be levied in each fiscal year
7 that the indebtedness is outstanding *ad valorem* taxes on real and tangible personal property and
8 intangible property subject to taxation by the County without limitation on rate or amount; and, in
9 addition, upon such other intangible property as may be subject to taxation by the County within
10 limitations prescribed by law, in an amount sufficient to together with funds available from other
11 sources, to pay the annual principal, premium, if any, and interest on the outstanding indebtedness
12 maturing during the next succeeding year; and the full faith and credit and unlimited taxing power of
13 the County hereby irrevocably pledged to be punctual payment of the principal of and interest on the
14 indebtedness or other indebtedness as and when its matures. By this Ordinance, the County agrees
15 to take all action that it may be legally authorized and empowered to take in order to enforce, in any
16 one year in which the indebtedness is outstanding, the guarantee of such indebtedness by the County.

17 SECTION 10. And be it enacted by the County Council of Harford County, Maryland that
18 the County reasonably expects to reimburse all or a portion of the capital expenditures for the Project
19 with proceeds of the indebtedness and this Ordinance shall be available for public inspection at the
20 offices of the County during regular business hours and in accordance with the laws of the State of
21 Maryland and the County, regarding access to public records.

EFFECTIVE: June 23, 1997


Acting Council Administrator

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HARFORD COUNTY BILL NO. 97-28(Brief Title) MICRF Loan - Alcore, Inc.

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Varney
Acting Council Administrator

Joanne S. Parrott
President of the Council

Date April 15, 1997Date April 15, 1997

BY THE COUNCIL

Read the third time.

Passed: LSD 97-12 (April 15, 1997)

Failed of Passage: _____

By Order

James D. Varney
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 17th day of April, 1997 at 3:00 P.m.

James D. Varney
Acting Council Administrator

BY THE EXECUTIVE

William M. Behrman
COUNTY EXECUTIVE

APPROVED: Date April 22, 1997

BY THE COUNCIL

This Bill (No. 97-28), having been approved by the Executive and returned to the Council, becomes law on April 22, 1997.

James D. Varney
Acting Council Administrator

EFFECTIVE DATE: June 23, 1997